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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,947	02/14/2001	X. Shawn Yu	Haworth Case 313	2331
7590 03/26/2004 FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1699			EXAMINER A, PHI DIEU TRAN	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,947

Applicant(s)

YU ET AL.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-12, 14-23, 26-29, 32-37 and 39-44 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 13, 24, 25, 30, 31 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Second line from last “such as those” is indefinite.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mollenkopf et al (4391073).

Mollenkopf et al (figure 5) shows an upright space-dividing wall panel assembly comprising a pair of horizontally space elongate and generally vertically oriented supports (32, 29, 23) and an elongate and generally horizontally oriented rail member (15) extending between the supports, a pair of generally vertically oriented and planar side surfaces (46) on respective oppositely facing sides of the panel assembly, an elongate and rigid one-piece top cap (70) positioned above and extending along a substantial portion of the rail member (15), a mounting structure (65, 61) clampingly engaging opposite sides of both the top cap and the rail member to

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fixedly secure the top cap thereto, the top cap having an uppermost wall defining therein an elongated and continuous groove (where part 71 is located at) which opens upwardly through the upper wall, the groove transferring at least a portion of an external downward load associated with the furniture component from the top cap to the rail member (inherently capable of being adapted to do so with the mounting element), one of the top cap and the mounting structure defines a recess therein and the other of the top cap and the mounting structure defining a flange thereon which projects into the recess to secure the top cap to the mounting structure,

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 22, 26-29, 36-37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Daggy (3803787).

Charman (figure 3) shows a space-dividing wall panel assembly comprising an open frame defined by a pair of upright and laterally spaced vertically elongate support members (15, 16), a plurality of vertically spaced and discrete (17) cross members extending laterally between the support members and rigidly connecting the support members to one another, a pair of cover members (20) disposed in opposed relation with one another so as to overlies open areas of the frame between the support members, the cover members defining vertical side surfaces of the wall panel assembly, an elongate top cap (95) positioned longitudinally along an upper one of the

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cross members and extending along substantial portion of the longitudinal extent of the upper cross member, the top cap having an upper portion and a lower portion, the lower portion (97) projects downwardly between upper edges of the opposed cover members, a mounting member (40, figure 9) engaging the lower portion of the top cap and clampingly engaging the upper cross member from opposite outwardly facing sides thereon (figure 7), the mounting structure including a plurality of discrete clamps each defined by two separate clamp members (left and right) disposed in opposed relation with one another, the clamps being separate components from the top cap and being spaced longitudinally from one another along the rail member, the supports are rigid members constructed of metal.

Charman does not show the top cover having an upper portion which defines therein a longitudinally extending and outwardly opening groove, a bracket slidably engaged within the groove of the top cover

Dagger shows a top cover (45) having an upper portion which defines therein a longitudinally extending and outwardly opening groove (the groove for part 55 to hook on), a bracket (part 55) slidably engaged within the groove of the top cover.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman to show the top cover having an upper portion which defines therein a longitudinally extending and outwardly opening groove, a bracket slidably engaged within the groove of the top cover because it would enable the mounting of a structure to the top cover as taught by Dagger.

3. Claims 1, 8, 18, 22, 26-29, 36-37, 39, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477).

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Charman (figure 3) shows a space-dividing wall panel assembly comprising an open frame defined by a pair of upright and laterally spaced vertically elongate support members (15, 16), a plurality of vertically spaced and discrete (17) cross members extending laterally between the support members and rigidly connecting the support members to one another, a pair of cover members (20) disposed in opposed relation with one another so as to overlie open areas of the frame between the support members, the cover members defining vertical side surfaces of the wall panel assembly, an elongate top cap (95) positioned longitudinally along an upper one of the cross members and extending along substantial portion of the longitudinal extent of the upper cross member, the top cap having an upper portion and a lower portion, the lower portion (97) projects downwardly between upper edges of the opposed cover members, a mounting member (40, figure 9) engaging the lower portion of the top cap and clampingly engaging the upper cross member from opposite outwardly facing sides thereon (figure 7), the mounting member being a separate and distinct component from the top cap, the supports are rigid members constructed of metal, the top cap having a width dimension which is greater than a width of the frame such that the top cap spans a width of the panel assembly as defined between the opposed side covers.

Charman does not show the top cover having an upper portion which defines therein a longitudinally extending and outwardly opening groove, a bracket slidably engaged within the groove of the top cover

Rydqvist (figure 5-7) shows a top cover (5) having an upper portion which defines therein a longitudinally extending and outwardly opening groove, a bracket (12) slidably engaged within the groove of the top cover.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman to show the top cover having an upper portion which defines therein a longitudinally extending and outwardly opening groove, a bracket slidably engaged within the groove of the top cover because it would enable the mounting of a structure to the top cover as taught by Rydqvist.

Per claim 8, Charman as modified shows all the claimed limitations except for a furniture component mounted on the bracket.

Rydqvist further discloses a further component (11) mounted on the bracket.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structures to show a furniture component mounted on the bracket as taught by Rydqvist because it is well known in the art to have a furniture component mounted on a bracket supported by a cap as it would enable the easy horizontal positioning of the furniture component on the assembly.

Per claim 41, Charman as modified shows the bracket being slidably movable longitudinally along the panel assembly.

4. Claims 2, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477) applied to claim 1 or 22 above and further in view of Daggy (3803787).

Charman as modified shows all the claimed limitations except for the groove being T-shape in transverse cross section.

Daggy (figure 5-6) shows a T-shape groove in transverse cross section for mounting a structure (55) thereto.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman to show the groove being T-shape in transverse cross section as taught by Daggy because a T-shape groove is well known in the art for providing a channel for mounting a structure thereto.

Per claim 44, Charman as modified shows an inverted T-shape groove which has a larger lower portion, a narrower upper portion.

5. Claims 3, 32-35, 39, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477) applied to claim 1 above and further in view of Yu et al (5852904).

Charman as modified shows all the claimed limitations except for a lower end of the bracket in supportive engagement with a lower one of the cross members.

Yu et al (figure 2) shows a lower end of the bracket(100) in supportive engagement with a lower one of the cross members to provide strong support for the bracket to support heavy loads.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structure to show a lower end of the bracket in supportive engagement with a lower one of the cross members because it would provide strong support for the bracket to support heavy load as taught by Yu et al.

Per claims 32-35, Charman as modified shows a top cap having a elongated groove, a hanger having an end portion seated therein, the hanger having a lower end portion disposed in direct load-bearing engagement with a lower one of the cross members, the top cap being secured to the upper cross member by a plurality of clamping members (50, 49, 53, and 50, 48,

53) which are separate components from the top cap and are spaced apart longitudinally along the panel arrangement, the member being of a split construction defined by a pair of discrete, opposed and adjustably fastened C-shaped clamps (the C-shapes formed by 50, 49, 53 and 50, 48, 53) disposed on respective opposite sides of the upper cross member, the top cap defining an elongate mounting element spaced downwardly from the groove which engages the upper portions of the pairs of opposed clamps to secure the top cap thereto, the groove opens upwardly and is defined solely by the top cap.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477) applied to claim 1 above and further in view of Muller (5875596).

Charman as modified shows all the claimed limitations except for the upper portion of the top cap defines a generally hollow interior.

Muller shows the upper portion of the top cap (122) defines a generally hollow interior.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structure to show the upper portion of the top cap defines a generally hollow interior as taught by Muller because having the upper portion of the top cap defines a generally hollow interior would provide for a strong cap for supporting mounting weight while ensuring the cap is light per the hollow enclosure.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477) applied to claim 1 above and further in view of Yu et al (95852904).

Charman as modified shows all the claimed limitations except for a lower bracket slidably engaged within the groove of the mounting rail, a connector post having an upper end secured to the upper bracket and the lower end connected to the lower bracket.

Charman further shows a lower elongate mounting rail (18, figure 22).

Yu et al shows an upper bracket (101) connected to an upper rail, a lower bracket (102) connected to a lower rail, a connector posts (100) having an upper end secured to the upper bracket and the lower end connected to the lower bracket to enable secure attachment of a furniture component to the assembly.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structure to a lower bracket slidably engaged within the groove of the mounting rail, a connector post having an upper end secured to the upper bracket and the lower end connected to the lower bracket because it would enable secure attachment of a furniture component to the assembly as taught by Yu et al.

8. Claims 10, 19, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477).

Charman (figure 3) shows a space-dividing wall panel assembly comprising an open frame defined by a pair of upright and laterally spaced vertically elongate support members (15, 16), a plurality of vertically spaced and discrete (17) frame members extending laterally between the support members and rigidly connecting the support members to one another, a pair of cover members (20) disposed in opposed relation with one another so as to overlies open areas of the frame between the support members, the cover members defining vertical side surfaces of the wall panel assembly, an elongate top cap (95) positioned longitudinally along an upper one of the

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cross members and extending along substantial portion of the longitudinal extent of the upper cross member, the top cap having an upper portion and a lower portion, the lower portion (97) projects downwardly between upper edges of the opposed cover members, a mounting member (40, figure 9) engaging the lower portion of the top cap and clampingly engages the upper frame member from opposite outwardly facing sides thereon (figure 7), the lower portion of the top cap defining a pair of mounting flanges (97) which engage within respective channels (channels formed by parts 53, 50, 49, 48, 52, 51) defined within the mounting member, the mounting member being a separate and distinct component from the top cap.

Charman does not show the top cap defining a longitudinal groove which opens upwardly, a hanger having an upper end slidably engaged within the groove of the top cap and suspendingly supported therefrom, the hanger overlying an outer surface of the cover members, and mounting a furniture component thereon.

Rydqvist (figure 5-7) shows a top cap (5) defining a longitudinal groove which opens upwardly, a hanger(12) having an upper end slidably engaged within the groove of the top cap and suspendingly supported therefrom, the hanger overlying an outer surface of the cover members, and mounting a furniture component thereon (11).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman to show the top cap defining a longitudinal groove which opens upwardly, a hanger having an upper end slidably engaged within the groove of the top cap and suspendingly supported therefrom, the hanger overlying an outer surface of the cover members, and mounting a furniture component thereon because it would enable the mounting of a furniture component to the top cap as taught by Rydqvist.

9. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477) applied to claim 10 above and further in view of Daggy (3803787).

Charman as modified shows all the claimed limitations except for the groove being T-shape in transverse cross section.

Daggy (figure 5-6) shows a T-shape groove in transverse cross section for mounting a structure (55) thereto.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structure to show the groove being T-shape in transverse cross section as taught by Daggy because a T-shape groove is well known in the art for providing a channel for mounting a structure thereto.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477) applied to claim 10 above and further in view of Muller (5875596).

Charman as modified shows all the claimed limitations except for the upper portion of the top cap defines a generally hollow interior.

Muller shows the upper portion of the top cap (122) defines a generally hollow interior.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structure to show the upper portion of the top cap defines a generally hollow interior as taught by Muller because having the upper portion of the top cap defines a generally hollow interior would provide for a strong cap for supporting mounting weight while ensuring the cap is light per the hollow enclosure.

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11. Claims 15, 17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477), Daggy and Yu et al.

Charman shows a space dividing wall panel assembly comprising a frame defined by a pair of upright elongate structural members (16) each having a lower end disposed in supportive engagement with a floor, a plurality of elongate frame members (17, 18, 25, 24) extending transversely between and interconnecting the structural members, upper and lower panel members (19, 20, 21) overlying the frame and each being defined by spaced-apart and generally upright opposite ends and upper and lower edges extending laterally between the opposite ends, each panel member additionally including outwardly facing side surfaces disposed between the opposite ends, an elongate top cap (96) positioned longitudinally along an upper one of the frame members, the top cap having an upper wall structure, a lower mounting part (97) which projects downwardly from the upper wall structure and is clampingly engaged with the upper frame member.

Charman does not show the top cap having an upwardly opening T-shaped groove therein, an elongate bracket having an upper hook-shaped and slidably engaged within the groove of the top cap and a lower end defining a flange thereon, the flange projecting inwardly between the lower edge of the upper panel and the upper edge of the lower panel and supportingly engaging a lower one of the frame members, an office-type accessory mounted on the bracket.

Rydqvist shows an elongate groove on the top cap for mounting an elongate bracket having an upper hook-shaped and slidably engaged within the groove of the top cap.

Yu et al shows an elongate bracket (1) having an upper hooked shaped and slidably engaged within the groove of a supporting structure, the bracket having a lower end defining a flange (102) thereon, the flange projecting inwardly between the lower edge of the upper panel and the upper edge of the lower panel and supportingly engaging a lower one of the frame members, an office-type accessory mounted on the bracket.

Daggy (figure 5-6) shows a T-shape groove in transverse cross section for mounting a structure (55) thereto.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's structure to show the top cap having an upwardly opening T-shaped groove therein as taught by Daggy, an elongate bracket having an upper hook-shaped and slidably engaged within the groove of the top cap as taught by Rydqvist and a lower end defining a flange thereon, the flange projecting inwardly between the lower edge of the upper panel and the upper edge of the lower panel and supportingly engaging a lower one of the frame members, an office-type accessory mounted on the bracket as taught by Yu et al because having a bracket with upper hook-shaped engaged within a groove within the top cap would enable mounting of a bracket to the top cap for mounting furniture thereof, the bracket having a lower flange engaging a lower one of the frame members between the upper and lower panels would enhance the supporting strength of the bracket against heavy load, and it is well known in the art that a T-shaped groove would a good mounting a channel with shoulders for mounting a structure thereto.

Per claim 17, Charman as modified shows the lower frame member defining therein at least one horizontally extending and sidewardly opening elongate groove, the flange of the bracket having a free end which engages within the groove of the lower frame member.

Per claim 21, Charman as modified shows all the claimed limitations except for the furniture component being an overhead storage unit.

It would have been obvious to one having ordinary skill in the art to modify Charman's modified structure to show the furniture component being an overhead storage unit because it is well known in the art to have an overhead storage unit mounted to a mounting bracket as an overhead storage unit is a well known furniture component for a partition structure used to store manuals, books, etc....

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477), Daggy and Yu et al.

Charman as modified shows all the claimed limitations except for the bracket including sidewardly projecting tab which engages within a recess defined in a rear wall of the accessory, a second flange which projects outwardly and is disposed in supportive engagement with a lower wall of the accessory.

Yu et al further discloses the bracket including sidewardly projecting tab (104, 26, figure 4) which engages within a recess defined in a rear wall of the accessory, a second flange which projects outwardly and is disposed in supportive engagement with a lower wall of the accessory.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Charman's modified structure to show the bracket including sidewardly projecting tab which engages within a recess defined in a rear wall of the accessory, a second flange which projects outwardly and is disposed in supportive engagement with a lower wall of the accessory as taught by Yu et al because it would enable the secure fastening of the bracket to the accessory as taught by Yu et al.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477).

Charman as modified shows all the claimed limitations except for the furniture component being an overhead storage unit.

It would have been obvious to one having ordinary skill in the art to modify Charman's modified structure to show the furniture component being an overhead storage unit because it is well known in the art to have an overhead storage unit mounted to a mounting bracket as an overhead storage unit is a well known furniture component for a partition structure used to store manuals, books, etc....

14. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charman (4631881) in view of Rydqvist (4821477).

Charman as modified shows all the claimed limitations except for the furniture component being an overhead storage unit.

It would have been obvious to one having ordinary skill in the art to modify Charman's modified structure to show the furniture component being an overhead storage unit because it is well known in the art to have an overhead storage unit mounted to a mounting bracket as an overhead storage unit is a well known furniture component for a partition structure used to store manuals, books, etc....

Response to Arguments

15. Applicant's arguments with respect to claims 1-3, 5-44 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

16. Claim 45 is allowed.
17. Claims 5-6, 13, 24-25, 30-31, 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different partition cover designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

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